

ENTERED

January 18, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**EMMANUEL AVILA,
"Petitioner,"

v.

ERIC GARZA, ET AL.,
"Respondents."§
§
§
§
§
§
§

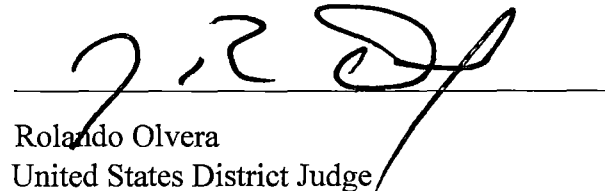
Civil Action No. 1:21-cv-00056

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 30). The R&R recommends this Court (1) grant "Defendant Sheriff Eric Garza's Motion to Dismiss" ("Motion to Dismiss") (Dkt. No. 21), (2) dismiss with prejudice Petitioner's claims against Defendant Eric Garza, and (3) direct the Clerk of the Court to close this case.

Objections were due December 16, 2021. No objections were filed by either party. If there have been no objections to the magistrate's ruling, then the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondent's Motion to Dismiss (Dkt. No. 21) is **GRANTED** and Petitioner's claims against Defendant Eric Garza are **DISMISSED WITH PREJUDICE**. The Clerk of the Court is **ORDERED** to close this case.

Signed on this 18th day of January, 2022.

 Rolando Olvera
 United States District Judge